

Indiana Regulatory Occupations Evaluation Committee

Minutes of the April 20, 2011 Committee Meeting

Call to Order & Establishment of Quorum

The Regulatory Occupations Evaluation Committee (ROEC) meeting was held on Wednesday, April 20, 2011 in the Government Center South Room W064 at 9:00 a.m.

Committee members present:

- Dean John Graham, Committee Chair
- Barry Boudreaux
- Gloria Downham
- Frances Kelly
- David Miller
- Sally Spiers
- Rita Springer

IPLA staff members present:

- Gale Albright
- Marty Allain
- Lisa Bentley

Review and Approval of Minutes

The February 17, 2011 minutes were reviewed and approved by committee members.

Presentation of "Part A" Assessment for Private Investigators & Security Guard Licensing Board **Don Johnson, Board Chair**

Don Johnson, Board Chair of the Private Investigators & Security Guard Licensing Board presented a 30-minute PowerPoint presentation (attached hereto as Exhibit A) to the committee including, but not limited to, the following information:

Introduction of Private Investigators & Security Guard Licensing Board
Types of Harm & Severity of Harm
Current Regulation and Alternatives
Alternatives to Regulation

ROEC discussion to determine need for Private Investigators & Security Guard Licensing "Part B"

ROEC Committee Member: What is the current Board fee to have this license?
Mr. Johnson: \$150 for a 3-year license.

ROEC Committee Member: Mr. Johnson:	Is continuing education required for relicensing? No
ROEC Committee Member: Mr. Johnson:	What would it entail to have this board nationally certified? First the requirement would need to be incorporated into the Indiana code which is a legislative process. Then a decision about which national certification to use would need to be determined. It can be very diverse and confusing.
ROEC Committee Member: Mr. Johnson:	Are there competing entities out there for business? Yes for individuals.
ROEC Committee Member: Mr. Johnson:	How are consumer complaints investigated? The complaint is made to the Office of the Attorney General who investigates and the results are then shared with the Board to determine if there are concerns that they feel need board action.
ROEC Committee Member: Mr. Johnson:	What types of consumer complaints does the board deal with? An individual posing as an investigator without a license carries a Class A felony. The OAG would have to decide whether or not to prosecute; I feel they do not prosecute as often as they should.
ROEC Committee Member: Mr. Johnson:	Do individuals applying for licensure have to take a drug screen? Not currently, but we wish it was something they had to do.
ROEC Committee Member: Mr. Johnson:	What is the ratio/percentage of PI and SG clientele? Attorneys and businesses make up 75%-80% of private investigator clients, while Security Guards clients are 90% businesses.

Review of Assessment Framework for Occupational Regulation

Chairman Graham asked the committee to review the current summary data that they recently received regarding Cosmetology/Funeral boards and Health Facility Administrator boards.

Chairman Graham then asked Dave Miller to insert the needed statutory language into the committee's score sheet. He further stated to the Committee that question #7 was much more important than questions #1-6.

Gloria questioned how the committee could make its recommendations in a report and still make them defensible as well as readable to others.

Dean Graham instructed Gloria to review the variation of the committee's scores cell by cell and produce some type of document so everyone could visually see the differences.

Presentation of “Part B” Assessment for State Board of Cosmetology and Barber Examiners, David Demuth, Board Chair & Diana Bonn, Board Member

David Demuth, Board Chair & Diana Bonn, Board Member of Cosmetology and Barber Examiners Board presented a 30-minute presentation (attached hereto as Exhibit B) to the committee including, but not limited to, the following information:

- Proactive Surveillance
- Complaint Process & Nature of Complaints
- Effectiveness of Current Regulation – Reduced Consumer Harm
- Appropriate Regulatory Mechanism & CE Requirements
- Affects of Regulatory System
- Adequate Resources/Fees vs. Adequate Regulation
- Recommendations

ROEC Questions & Answers regarding Part B

ROEC Committee Member:	Is there any reason why the board cannot begin to improve communications with their licensees immediately?
David Demuth:	Currently communication is made through E-gov delivery but plans are in place to create a Facebook page. Unfortunately cosmetologists and barbers do not utilize technology like some other board licensees do.
ROEC Committee Member:	Can you elaborate on the citation based program you would like to see implemented?
David Demuth:	This would need to be discussed on a license by license basis but the board feels that if there were more inspectors, more salons could be cited for violations. In the long run this would bring more money into the state.
ROEC Committee Member:	How many new inspectors do you feel are needed?
David Demuth:	At least 8-10 more than we currently have.

Indiana State Board of Health Facilities Administrators “Part B” presentation, Shelley Rauch, Board Chair

Shelley Rauch, Board Chair of the Indiana State Board of Health Facilities Administrators presented a 30-minute PowerPoint presentation (attached hereto as Exhibit C) to the committee. Topics covered were as follows:

- Proactive Surveillance

Complaint Process & Nature of Complaints
Effectiveness of Current Regulation – Reduced Consumer Harm
Appropriate Regulatory Mechanism & CE Requirements
Affects of Regulatory System
Adequate Resources/Fees vs. Adequate Regulation
Recommendations

- ROEC Committee Member: Is the regulation of HFA and nursing homes by two separate entities causing issues?
- Shelley Rauch: Standards of practice are very capable in the State of Indiana for holding administrators accountable. IPLA raised the issue in 2009 about moving HFA to the Indiana Department of Health (ISDH) and it did not receive a good response. ISDH cannot move to IPLA because they are not a healthcare agency.
- ROEC Committee Member: When ISDH comes to your facility to conduct their survey do you personally feel you are being scrutinized?
- Shelley Rauch: Yes because any good administrator will take pride in the results of their facility survey, but feels that ISDH is not looking in depth at the administrator personally.
- ROEC Committee Member: Does the ISDH take any action against the facility if it is found in non-compliance?
- Shelley Rauch: In an immediate jeopardy situation and the facility must regain compliance right away or there is a penalty or a monitor could be placed into the facility. The facility has 10 days to respond to the written report and they put a plan of action in place. Surveyors would then return within 45 days to check for compliance. If a facility does not come into compliance it can lose its license.
- ROEC Committee Member: If a compliance officer is added how would that audit differ from the ISDH audit?
- Shelley Rauch: A compliance officer would look at facilities that are having problem surveys then check for compliance. The issues could be with the administrators. He or she could look at how long an administrator has been in a facility, and look at the administrator's work history. If you have an administrator that moves from facility to facility and gets an "immediate jeopardy" wherever he or she is, then there could be a problem with the administrator.
- ROEC Committee Member: What would need to happen so that IPLA and ISDH can share information?

Frances Kelley: The database contains some information but it is not public information. It blocks the IPLA staff from getting personal information regarding a person/facilities license. Currently IPLA can track where an HFA is working, but the ISDH would not have access to this information.

Robert Decker, Hoosier Owners and Providers for the Elderly, responded that ISDH just recently began putting its survey results on the web. In the past individuals had to physically go to the ISDH office to retrieve these reports.

Tasha Coleman, Board Director, stated that in the ILS system there is a tab for employment but we currently do not utilize it at this time unless an HFA is on probation. Our recommendation before ROEC is that HFA's would have to tell us where they are working so that we can enter the information into our system. This would be a requirement they needed to fulfill each time they moved facilities.

ROEC Committee Member: What would this compliance officer be doing that is different than what ISDH is currently doing?

Shelley Rauch: The compliance officer would be looking at the HFA specifically. Sometimes there are individuals who just want a license in Indiana but are not physically at the nursing home or assisted living facility. The compliance officer would be able to look into these types of complaints or issues.

ROEC Committee Member: Is it beneficial to the State of Indiana for two agencies to be reviewing the same facility/individuals and asking the same questions?

Shelley Rauch: The ISDH is interested in whether or not there is someone sitting in the HFA seat, IPLA is interested in knowing more about the HFAs and if they move between facilities and if trouble follows them.

ROEC Committee Member: Regarding recommendation #4 how would they go about seeing the internships paid for Administrators in Training (AIT)?

Shelley Rauch: It would require a rule change to the requirements so that an individual gets his or her degree first and then interns as an undergraduate. The HFA is responsible for the AIT and there is currently no monitoring of programs in the State of Indiana.

Review of Future ROEC Schedule

It was determined that the Private Investigators & Security Guard Licensing Board will present "Part B" at the August 24, 2011 meeting.

Chairman Graham stated that he needs members of the committee to put together findings and results. It was determined that committee members Frances Kelley and Gloria Downham will work on the findings and recommendations for Cosmetology & Barber, while Rita Springer and Barry Boudreaux work together on findings and recommendations for HFA. He instructed these members that it needs to be a detailed "Finding and Recommendation Report" so that once the committee agrees upon language, narratives can be placed underneath each section. This report will be presented and reviewed by the committee at its May 25th meeting. He added that to include the opinion of any disagreeing committee

member, that this information will be added to the report as a footnote. David Miller was asked to make sure that the ROEC framework is lawful.

MAY 25, 2011 – 9am – 2pm

- Review of the Board’s findings and recommendations
- Draft Language for report due July 1

JUNE 15, 2011 – 9am – 11:30am

- Finalize Report to HEALTH FINANCE COMMISSION (due not later than 7/1/2011)
- Create a web link of the report for the public

AUGUST 24, 2011 – 9am – 3pm

- State Board of Registration for Professional Engineers – “Part A” presentation
- Committee of Hearing Aid Dealer Examiners – “Part A” presentation
- Private Investigators & Security Guard Licensing Board – “Part B” presentation

SEPTEMBER 21, 2011 – 9am – 2pm

- State Board of Registration for Professional Engineers – “Part B” presentation
Committee of Hearing Aid Dealer Examiners – “Part B” presentation
- Deliberation on Findings and Recommendations for Private Investigators & Security Guard Licensing Board, State Board of Registration for Professional Engineers and Committee of Hearing Aid Dealer Examiners

OCTOBER 12, 2011 – 9am-2pm

- Indiana Optometry Board – “Part A” presentation
- Indiana Dietitian Certification Board – “Part A” presentation

NOVEMBER 16, 2011 – 9am-2pm

- Indiana Optometry Board – “Part B” presentation – *if needed*
- Indiana Dietitian Certification Board – “Part B” presentation – *if needed*
- Findings and Recommendations

Adjournment

Chairperson Graham adjourned the meeting at approximately 2:15 p.m.

Dean John Graham, Chairperson
Indiana Regulatory Occupations Evaluation Committee

Date

Next Scheduled Meeting:

May 25, 2011 at 9:00 a.m.
Indiana Government Center South
Conference Center Room 1